

REMARKS

Claims 1, 3, 4, 6, and 11-12 remain in the application. Claims 2, 5, and 7-10 have been cancelled. Claim 1 is in independent form.

First, claim 8 stands rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, "said sealing surface" in the last line lacks antecedent basis. In response, Applicant has cancelled claim 8 rendering the rejection moot.

Second, claim 1 stands rejected under 35 USC 102(e) as being anticipated by Palvolgyi (USPN 6,685,045). However, the Examiner has admitted that Palvolgyi does not disclose a reinforcement member. Therefore, Applicant has amended claim 1 to include a reinforcement member and overcome the 102(e) rejection.

Claims 2-5 stand rejected under 35 USC 103(a) as being unpatentable over Palvolgyi (USPN 6,685,045) in view of Gerhardt et al (USPN 6,516,964). Applicant respectfully disagrees and traverses this rejection. Independent claim 1 has been amended to set forth a fuel tank assembly comprising: a wall (5) for enclosing a fluid; the wall having an inwardly flanged lip (11) forming an opening (3) extending through a portion of the wall and defining a first sealing surface (12) along the circumferential periphery of the lip; a removable lid (4) for closing the opening in the wall, the lid having an outer peripheral part (18) defining a second sealing surface (19) along the circumferential periphery thereof facing the first sealing surface when the lid is seated in the opening; first and second spaced apart radial grooves (20, 21) formed in at least one of the first and second sealing surfaces; first and second sealing rings (22, 23) seated in the first and second grooves respectively for sealing engagement between the first and second sealing surfaces when the lid is closed against the opening; a sealing gap (24) formed between the first

sealing surface and the part of the second sealing surface extending between the spaced apart radial grooves for limiting the contact surface area of fuel vapors with the second sealing ring and thereby increase the permeation resistance of the sealing engagement between the lid and the opening; and a reinforcement member (13) fixedly secured to the inside of the wall forming a surrounding shoulder (15) which supports the circumferential periphery of the inwardly flanged lip defining the opening for supporting the lip against the sealing forces between the first and second sealing surfaces from the lid closing against the opening.

The Examiner admits that Palvolgyi does not disclose a reinforcement member, however, suggests that Gerhardt teaches a reinforcement member (8) for supporting a neck head (5). The Examiner contends that it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the reinforcement member of Gerhardt on the inside wall of Palvolgyi. However, there is absolute no basis, support, suggestion, teaching or even an incentive to place the reinforcement member of Gerhardt on any portion of Palvolgyi. Specifically, the reinforcement member (8) of Gerhardt only supports the neck (5). The member (8) does not extend around the lip portion (12) forming the sealing surface of the wall. More notably, the reinforcing member (8) of Gerhardt clearly does not form a surrounding shoulder which supports the circumferential periphery of the inwardly flanged lip defining the sealing surface. The Examiner suggests that it would have been obvious to place the reinforcement member underneath the fuel tank wall of Palvogyi, adjacent the lower end of the neck, to reinforce against the insertion of a filler pump dispensing head. However, Palvogyi must have some suggestion, teaching or incentive for such a modification for support of the Examiner's obviousness rejection. Such a suggestion, teaching or incentive simply does not exist. In fact, such a modification of Palvogyi is not possible and would destroy the assembly and functionality

of the design. Specifically, the outer portion of the wall of Palvogyi includes a plurality of external threads for direct mating engagement with internal mating threads of a cap. Thus, the addition of a reinforcing member surrounding the wall would prevent and interfere with the direct mating engagement between the threads of the wall and the cap. Further, the reinforcing member of Applicant's invention provides support to the inwardly flanged lip (11) against the sealing forces from the lid closing against the opening, not against the insertion of a filler pump as the Examiner states. The filler attachment (2) of Applicant's assembly is separate and distinct from the sealing engagement between the lid (4) and wall (5). Finally, the Examiner suggests that it has been held that rearranging parts of an invention involves only routine skill in the art. However, the Examiner's rejection is not based simply on a rearranging of part, but rather, on a fabrication of parts which simply are not disclosed or suggested in the prior art.

Next, claims 1-2 and 7-8 stand rejected under 35 USC 103(a) as being unpatentable over Dykeman (USPN 2,316,507) in view of Gerhardt et al. (USPN 6,516,964) and in view of Stanek et al. (USPN 5,746,359). First, in response, Applicant has cancelled claims 7 and 8 rendering that portion of the rejection moot. Second, Applicant has amended independent claim 1 to include all of the limitations of prior dependent claims 2 and 5. Therefore, since claim 5 has not been included in the instant rejection and the limitations thereof have been added to amended claim 1, the instant rejection must be withdrawn.

Further, claims 3-6 and 11-12 stand rejected under 35 USC 103(a) as being unpatentable over Dykeman in view of Gerhardt et al and in view of Stanek et al as applied to claim 1 above, and further in view of Shaw (USPN 4,467,937). Applicant respectfully disagrees and traverses the rejection. First, as discussed above, the limitations of claim 5 have been added to amended claim 1, namely, a reinforcement member (13) fixedly secured to the inside of the wall forming

a surrounding shoulder (15) which supports the circumferential periphery of the inwardly flanged lip defining the opening for supporting the lip against the sealing forces between the **first and second sealing surfaces from the lid closing against the opening**. None of the prior art reference taken either alone or in combination disclose, teach, or suggest a reinforcement member forming a shoulder for supporting the inwardly flanged lip to support the lip against the sealing forces of the lid closing against the opening. In fact, the Examiner fails to even provide any stated basis or reasoning for the instant rejection as it relates to the limitations of claim 5. Still further, as the Examiner is well aware, it is completely improper for the Examiner to use hindsight once privy to the claims of Applicant's invention to simply comb unrelated art within the public domain to create a combination of features, one element at a time that when combined make up the Applicant's invention, without some suggestion or incentive for such a combination. Therefore, Applicant's submits that the rejection should be withdrawn as improper.

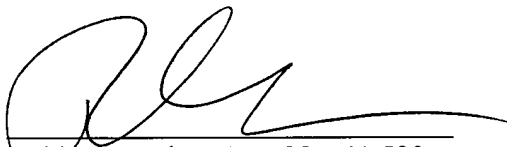
Finally, claim 1 also stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of US Patent No. 6,685,045. (Palvolgyi). However, claim 1 has been further amended to include the limitations of claims 2 and 5, therefore, again rendering the rejection moot.

It is respectfully submitted that this patent application is in condition for allowance, which allowance is respectfully solicited. If the Examiner has any questions regarding this amendment or the patent application, the Examiner is invited to contact the undersigned.

Appl'n No: 10/052,185
Amdt dated March 21, 2005
Reply to Office action dated Sept. 21, 2004

The Commissioner is hereby authorized to charge any additional fee associated with this Communication to Deposit Account No. 50-1759. A duplicate of this form is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robin W. Asher', written over a horizontal line.

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